

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A.No.1082 of 2007 (O&M)
DATE OF DECISION: APRIL 4, 2007

Sat Pal alias Pala

...APPELLANT

VERSUS

Rajni Bala

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.A.K.Jindal, Advocate,
for the appellant.

...

This is defendant's Regular Second Appeal against the judgment and decree passed by both the courts below whereby the suit of the plaintiff for permanent injunction restraining the defendant from using and claiming any right or title in the wall A-B situated on the western side of his house and from raising any construction on any portion of the said wall; and further directing the defendant to remove the supports of the roof of his house on any portion of the said wall which is exclusively owned and possessed by the plaintiff having been purchased by her.

I have heard the counsel for the appellant and gone through the judgments passed by the Courts below.

In this case, the dispute between the parties is whether the wall A-B is the wall belonging to the appellant or is a common wall between the parties. Both the courts below, on the basis of the evidence led by the parties, have recorded a finding of fact to the effect that the wall A-B is not a common wall of the parties and the said wall is exclusively belonging to the plaintiff, which is a part of the house purchased by her. It has also been found that the defendant is having his separate wall, adjoining wall A-B,

which bears the load of his house. In view of the concurrent finding of fact recorded by both the Courts below, I do not find any ground to interfere in this appeal.

No substantial question of law has been raised or is involved in this appeal.

Dismissed.

April 4, 2007
vkg

(SATISH KUMAR MITTAL)
JUDGE